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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,902	02/28/2002	Graham Castree Charters	GB920000092US1	9251
47049	7590	10/18/2006	EXAMINER	
FERENCE & ASSOCIATES 409 BROAD STREET PITTSBURGH, PA 15143			MANIWANG, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,902

Applicant(s)

CHARTERS ET AL.

Examiner

Joseph R. Maniwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

1. Claims 17, 36, and 54 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Independent claims 1, 21, and 39 from which claims 17, 36, and 54 depend contain the limitation of the first and second qualities of service comprising recovery support.

Claim Rejections - 35 USC § 102

2. Claims 1-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Chuah (U.S. Pat. No. 6,654,808).

3. Regarding claims 1, 20, and 39, Chuah disclosed a method and system comprising requesting by first one of a resource component and coordinator pair a first indicator indicating a first quality of service, comprising the level of recovery support, supported by a second one of said pair (see column 4, lines 59-61; column 5, lines 38-46; column 9, lines 59-66; column 7, lines 60-67); responding by said second one of said pair with said first indicator (see column 5, lines 48-59; column 7, lines 34-37;

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

2. Claims 17, 36, and 54 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Independent claims 1, 21, and 39 from which claims 17, 36, and 54 depend contain the limitation of the first and second qualities of service comprising recovery support.

Claim Rejections - 35 USC § 102

3. Claims 1-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Chuah (U.S. Pat. No. 6,654,808).
4. Regarding claims 1, 20, and 39, Chuah disclosed a method and system comprising requesting by first one of a resource component and coordinator pair a first indicator indicating a first quality of service, comprising the level of recovery support, supported by a second one of said pair (see column 4, lines 59-61; column 5, lines 38-46; column 9, lines 59-66; column 7, lines 60-67); responding by said second one of said pair with said first indicator (see column 5, lines 48-59; column 7, lines 34-37;

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column 10, lines 5-14); receiving by said first one of said pair said first indicator (see column 5, lines 48-59; column 7, lines 34-37; column 10, lines 5-14); responsive to said first indicator, determining by said first one of said pair whether said first quality of service is acceptable (see column 5, lines 48-59; column 7, lines 34-37; column 10, lines 5-14); responsive to said determining, offering by said first one of said pair to permit one of joining in coordination with said second one of said pair and not joining in coordination with said second of said pair (see column 5, lines 48-59; column 7, lines 34-37; column 10, lines 5-14); responsive to said offering by said first one of said pair to permit joining in coordination with said second one of said pair, requesting by said second one of said pair a second indicator indicating a second quality of service, comprising the level of recovery support, acceptable to said first one of said pair (see column 8, lines 1-6; column 7, lines 60-67); responding by said first one of said pair with said second indicator (see column 8, lines 1-14); receiving by said second one of said pair said second indicator (see column 8, lines 1-14); responsive to said second indicator, determining by said second one of said pair to permit joining in coordination with said first one of said pair (see column 8, lines 1-14); and responsive to determining by said second one of said pair to permit joining in coordination with said first one of said pair, determining a quality of service provision for said coordination (see column 4, lines 59-66; column 5, lines 21-34).

5. Regarding claims 2-12, 18, 21-31, 37, 40-50, and 55, Examiner submits that the requesting node and the serving node disclosed by Chuah (see column 3, line 53 through column 4, line 58) read upon the broadly claimed limitations of comprising a

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resource component, coordinator, resource manager, resource adapter, database manager, ERP system, transaction manager, and platform-independent program code component as claimed, since the claimed limitations do not disclose any specific functionality further limiting the invention of Applicant.

6. Regarding claims 13 and 32, Chuah disclosed the method and system further comprising performing the communication session setup at startup of a server (see column 4, lines 41-58).

7. Regarding claims 14, 33, and 51, Chuah disclosed the method and system further comprising sending, by said server, a request to a first one of a resource and coordinator pair to initiate requesting said first indicator indicating a quality of service supported by a second one of resource and coordinator pairs (see column 4, lines 59-61; column 5, lines 38-46; column 9, lines 59-66; column 7, lines 60-67).

8. Regarding claims 15, 34, and 52, Chuah disclosed the method and system further comprising having at least one of said first and second qualities of service comprise a commit phase support (see column 5, lines 6-20).

9. Regarding claims 16, 35, and 53, Chuah disclosed the method and system further comprising having said commit phase support comprise at least one of one phase commit support and two phase commit support (see column 5, lines 6-20).

10. Regarding claims 17, 36, and 54, Chuah disclosed the method and system further comprising having at least one of said first and second qualities of service comprise recovery support (see column 7, lines 60-67).

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11. Regarding claims 19, 38, and 56, Chuah disclosed the method and system further comprising renegotiating a quality of service provision (see column 5, lines 27-34).

Response to Arguments

12. Applicant's arguments filed 08/01/06 have been fully considered but they are not persuasive.

13. Regarding claims 1-56 rejected under 35 U.S.C. 102(e) as being anticipated by Chuah et al. (U.S. Pat. No. 6,654,808), Applicant traverses the rejection. Applicant asserts that Chuah does not teach a resource component or a coordinator. However, Examiner asserts that the broad concept of a resource component and a coordinator was clearly taught by Chuah, in which existed both a calling user and a serving LAC (see column 4, lines 59-61; column 5, lines 38-46; column 9, lines 59-66; column 7, lines 60-67). Contrary to the argument by Applicant, the fact that the requesting node and serving node of Chuah read upon the broadly claimed resource component and coordinator is not an assertion that the prior art reference lacks the claimed features. Such reasoning is not clear in Applicant's arguments, but nonetheless, it is the position of the Examiner that the requesting and serving nodes of Chuah are functionally equivalent to the claimed resource component and coordinator since the claim language requires only that they negotiate a quality of service for coordination between the pair. As detailed in the above rejection, Chuah clearly teaches such a negotiation and coordination between a requesting node and a serving node. Although Applicant

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asserts "that there is a distinct and well-known difference in the art between a node in a network and a resource component or coordinator such as a database manager or a transaction manager", it is again submitted that the claim language does not require any distinct functionality or limitations regarding such a pair over the prior art teachings.

Additionally, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a database manager or a transaction manager) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

14. Applicant further asserts that "the outstanding Office Action asserts that the resource component and coordinator 'do not disclose any specific functionality further limiting the invention of the Applicant'". Examiner submits that this was not the assertion of the previous Office Action. Instead, the claimed "resource manager, resource adapter, database manager, ERP system, transaction manager, and platform-independent program code component" of dependent claims 2-12, 18, 21-31, 37, 40-50, and 55 do not disclose any specific functionality further limiting the claimed "resource component" and "coordinator" of the respective independent claim. The dependent claims do not further detail any features of the claimed resource component/coordinator pair apart from renaming them using other labels. As there is no added functionality further limiting the claimed resource component/coordinator pair, the requesting node

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and the serving node disclosed by Chuah (see column 3, line 53 through column 4, line 58) read upon the language of the dependent claims.

15. Finally, regarding claims 17, 36, and 54 objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim, Applicant traverses the objection. It is submitted that Examiner maintains the objection. Independent claims 1, 21, and 39 from which claims 17, 36, and 54 depend contain the limitation of the first and second qualities of service comprising recovery support.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

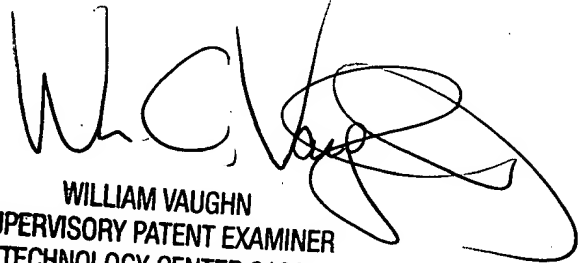
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM


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